

AMENDED IN ASSEMBLY APRIL 7, 1997
AMENDED IN ASSEMBLY MARCH 19, 1997
AMENDED IN ASSEMBLY MARCH 18, 1997
AMENDED IN SENATE FEBRUARY 18, 1997
AMENDED IN SENATE FEBRUARY 7, 1997

SENATE BILL

No. 181

Introduced by Senators Kopp and Burton
(Principal coauthors: Assembly Members Migden and Shelley)

January 22, 1997

An act to add and repeal Section 21080.12 of the *Public Resources Code*, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 181, as amended, Kopp. Environmental quality: ballpark: *storm or flood damaged public facilities and private levees*.

(1) Existing law, the California Environmental Quality Act, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if the lead agency finds that the project will not have that effect, unless the project is exempt from the act. *Existing law*

exempts from the act emergency repairs to public service facilities necessary to maintain service; projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor; specific actions necessary to prevent or mitigate an emergency; and emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, damaged as a result of fire, flood, storm, earthquake, or land subsidence, as specified.

This bill would exempt from the act, until January 1, 1999, specified repair, reconstruction, restoration, or rehabilitation of a public facility or private levee damaged or destroyed by the storms and floods of 1997 in a disaster-stricken area for which the Governor has proclaimed a state of emergency.

~~This~~

(2) *The bill would also exempt from the act the relocation of occupants or uses from real property under specified provisions pertaining to relocation assistance, and the relocation of occupants or uses from real property of the Port of San Francisco to other real property of the port, if the real property is proposed to be used for an open air ballpark for major league baseball, is located in a special zoning district permitting, or conditionally permitting, that use, which district was established by the voters of the city and county in which the property is located, and the relocation activities, if considered independently of the proposed ballpark use of the property, would be exempt from the act.*

~~The~~

(3) *The bill would impose a state-mandated local program by imposing new duties on local agencies with regard to determining the applicability of, and filing and posting notice of, the exemption exemptions.*

~~(2)~~

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for specified reasons.

~~(3)~~

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 21080.12 is added to the Public*
2 *Resources Code, to read:*

3 21080.12. (a) *This division does not apply to the*
4 *repair, reconstruction, restoration, or rehabilitation of a*
5 *public facility or private levee damaged or destroyed by*
6 *the storms and floods of 1997 in a disaster-stricken area of*
7 *a county for which the Governor has proclaimed a state*
8 *of emergency, so long as the repair, reconstruction,*
9 *restoration, or rehabilitation is limited to restoring the*
10 *condition of the public facility or private levee as it was*
11 *immediately prior to the storms and floods of 1997.*

12 (b) *This section shall remain in effect only until*
13 *January 1, 1999, and as of that date is repealed, unless a*
14 *later enacted statute, that is enacted before January 1,*
15 *1999, deletes or extends that date.*

16 SEC. 2. (a) Division 13 (commencing with Section
17 21000) of the Public Resources Code shall not apply to the
18 relocation of occupants or uses from real property
19 pursuant to Chapter 16 (commencing with Section 7260)
20 of Division 7 of Title 1 of the Government Code, or to the
21 relocation of occupants or uses from real property of the
22 Port of San Francisco to other real property of the Port
23 of San Francisco, if both of the following criteria are met:

24 (1) The real property is proposed to be used for an
25 open air ballpark for major league baseball, and is located
26 in a special zoning district permitting, or conditionally
27 permitting, that use, which zoning district was
28 established pursuant to a ballot measure approved by the
29 voters of the city and county in which the property is
30 located.

(2) The relocation activities, if considered independently of the proposed ballpark use of the property, would be exempt from this division.

(b) This section shall not affect the application of Division 13 (commencing with Section 21000) to any discretionary action by a public agency not otherwise exempted by this section, including the construction of such a ballpark.

(c) Nothing in this section shall be construed to restrict the ability or rights of relocated occupants to challenge or appeal the relocation options offered them by the City and County of San Francisco, the City and County of San Francisco Redevelopment Agency, the Port of San Francisco, or the Department of Transportation pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, or under proposed mitigation measures, if any, specified pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) This section shall remain in effect for two years after its effective date and as of that date shall become inoperative, and as of January 1, 2000, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 2.—~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Moreover, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain other costs that may be incurred by a local agency or school district that are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning

1 of Section 17556 of the Government Code and Section 6
2 of Article XIII B of the California Constitution.

3 Notwithstanding Section 17580 of the Government
4 Code, unless otherwise specified, the provisions of this act
5 shall become operative on the same date that the act
6 takes effect pursuant to the California Constitution.

7 ~~SEC. 3.—~~

8 SEC. 4. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or
10 safety within the meaning of Article IV of the
11 Constitution and shall go into immediate effect. The facts
12 constituting the necessity are:

13 In order to ensure that proposed ballpark construction
14 *is and needed repair, reconstruction, restoration, or*
15 *rehabilitation of storm or flood damaged public facilities*
16 *and levees* are not delayed, it is necessary that this act take
17 effect immediately.

